



Order Filed on January 4, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in Compliance with D.N.J. LBR 9004-1

Stephen V. Falanga, Esq.
WALSH PIZZI O'REILLY FALANGA LLP
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, New Jersey 07102
T: 973.757.1100 | F: 973.757.1090
sdarling@walsh.law
sfalanga@walsh.law
*Counsel to Edward A. Philips, Chapter 11
Trustee of the Estate of William J. Focazio*

In re:

WILLIAM FOCAZIO,

Debtor.

Bankr. Case No.: 19-10880-VFP

Honorable Vincent F. Papalia, U.S.B.J.

Chapter 11

ORDER DISMISSING CASE

The relief set forth on the following pages two (2) through three (3) is hereby

ORDERED.

DATED: January 4, 2022



Honorable Vincent F. Papalia
United States Bankruptcy Judge

(Page 2)

Debtor: WILLIAM J. FOCAZIO
Case No.: 19-10880-VFP
Caption of Order: ORDER DISMISSING CASE

This matter having been presented to the Court upon the request of Edward A. Philips, in his capacity as Chapter 11 Trustee (the “Trustee”) for the bankruptcy estate of William J. Focazio, Jr. (the “Debtor”), by and through his counsel, Walsh Pizzi O’Reilly Falanga LLP, and with the consent of the Debtor, by and through his counsel, McManimon Scotland & Baumann, LLC, seeking the entry of an Order Dismissing the Debtor’s Case in accordance with the Order Approving Settlement Between the Debtor and the Trustee and Dismissing Case entered by the Court March 8, 2021 (Dkt. 266) (the “Settlement Order”); and the Settlement Order requiring the Debtor to make payment to the Trustee in the amount of \$200,000.00 with an initial payment (the “Initial Payment”) of \$150,000.00 having been due on or about April 1, 2021 (the “Effective Date”) as a condition of dismissing the Debtor’s Case; and the Debtor having failed to make the payment as required under the Settlement Order due to the Debtor having lost a source of funding in connection with the third amended plan of reorganization filed in the chapter 11 cases of his medical practices, William Focazio, MD, P.A. (“Focazio MD PA”), and Endo Surgical Center of North Jersey, P.C. (“Endo Surgical”); and the Trustee having agreed to abide by the terms of the Settlement Order while the Debtor made attempts to secure alternative financing; and the Court having entered on Order Authorizing Modification of the Debtors’ Third Amended Plan of Reorganization on September 14, 2021 to permit the Debtor to use an alternative funder (Dkt. 542 in Bankr. Case No. 18-10752); and the Debtor having funded the Initial Payment on or about October 14, 2021; and a dispute having arisen in connection with the return of the Debtor’s Personal Property as provided for under the Settlement Order; and the Court having held a Status Conference on December 3, 2021 to address the dispute; and the Parties having come to agreement with the assistance of the Court on a resolution of

(Page 3)

Debtor: WILLIAM J. FOCAZIO
Case No.: 19-10880-VFP
Caption of Order: ORDER DISMISSING CASE

the dispute as reflected in this Order; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. This case is dismissed.
2. The Debtor shall make the second payment on account of the Settlement Amount in the amount of \$23,100.00 on or before April 1, 2022, which reflects a credit of \$1,900.00 resolving the dispute relating to the return of the Debtor's Personal Property;
3. The Debtor shall make the final payment on account of the Settlement Amount in the amount of \$25,000.00 on or before April 1, 2023;
4. Pursuant to 11 U.S.C. § 349, the dismissal of this case does not affect any Orders entered in this case prior to dismissal other than orders entered pursuant to 522(i)(1), 542, 550 and 553 of the Bankruptcy Code.
5. The Trustee shall file any outstanding monthly operating reports and pay any outstanding quarterly fees within thirty (30) days of entry of this Order.
6. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of the Settlement Order and this Order.

In re:
William J Focazio
Debtor

Case No. 19-10880-VFP
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Jan 04, 2022

User: admin
Form ID: pdf903

Page 1 of 3
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
--------	------------

+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
---	--

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 06, 2022:

Recip ID	Recipient Name and Address
db	+ William J Focazio, 101 Fox Hedge Road, Saddle River, NJ 07458-2715
aty	+ Roper & Thyne, LLC, Roper & Thyne, LLC, 77 Jefferson Place, Totowa, NJ 07512-2614

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 06, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 4, 2022 at the address(es) listed below:

Name	Email Address
Aaron M. Bender	on behalf of Creditor BANK OF AMERICA N.A. abender@reedsmith.com, litgett@reedsmith.com
Andrew M. Lubin	on behalf of Creditor Wilmington Savings Fund Society FSB, as Trustee of Stanwich Mortgage Loan Trust A nj-ecfmail@mw-c-law.com, alubin@milsteadlaw.com
Anthony Sodono, III	on behalf of Interested Party William Focazio MD PA and Endo Surgical Center of North Jersey PC asodono@msbnj.com
Anthony Sodono, III	on behalf of Unknown Role Type William J. Focazio MD PA and Endo Surgical Center of North Jersey PC asodono@msbnj.com
Brian E Caine	on behalf of Creditor U.S. Bank National Association not in its individual capacity but solely as Trustee for the RMAC Trust, Series 2016-CTT bcaine@parkermccay.com, BKcourtntices@parkermccay.com

District/off: 0312-2
Date Rcvd: Jan 04, 2022

User: admin
Form ID: pdf903

Page 2 of 3
Total Noticed: 2

Daniel F. Corrigan	on behalf of Creditor First Commerce Bank dcorrigan@windelsmarx.com mslama@windelsmarx.com
David B. Grantz	on behalf of Creditor Provident Bank f/k/a The Provident Bank dgrantz@meyner.com ckelly@meyner.com
David S. Catuogno	on behalf of Creditor Oritani Bank david.catuogno@klgates.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate Indemnity Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Creditor Allstate New Jersey Property and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate New Jersey Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass Insurance dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate Property and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff AllState Fire and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass Property and Casualty Company of New Jersey dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Allstate New Jersey Property and Casualty Insurance Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass insurance company of New Jersey dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Donald F. Campbell, Jr.	on behalf of Plaintiff Encompass Indemnity Company dcampbell@ghclaw.com 4433@notices.nextchapterbk.com
Eamonn O'Hagan	on behalf of Creditor United States of America (Internal Revenue Service) eamonn.ohagan@usdoj.gov
Edward A. Phillips	ephillips@getzlerhenrich.com
Elizabeth K. Holdren	on behalf of Creditor Wilmington Savings Fund Society FSB as Trustee for Stanwich Mortgage Loan Trust A, through Carrington Mortgage Services, LLC, servicer and attorney-in-fact eholdren@hillwallack.com, jhanley@hillwallack.com;hwbknj@hillwallack.com;eholdren@ecf.courtdrive.com
Gene Y. Kang	on behalf of Creditor GEICO General Insurance Company gene.kang@rivkin.com jennifer.davila@rivkin.com;stuart.gorton@rivkin.com;matthew.spero@rivkin.com
Gene Y. Kang	on behalf of Creditor GEICO Indemnity Company gene.kang@rivkin.com jennifer.davila@rivkin.com;stuart.gorton@rivkin.com;matthew.spero@rivkin.com
Gene Y. Kang	on behalf of Creditor GEICO Government Employees Insurance Company gene.kang@rivkin.com jennifer.davila@rivkin.com;stuart.gorton@rivkin.com;matthew.spero@rivkin.com
Gene Y. Kang	on behalf of Creditor GEICO Casualty Company gene.kang@rivkin.com jennifer.davila@rivkin.com;stuart.gorton@rivkin.com;matthew.spero@rivkin.com
Jerrold S. Kulback	on behalf of Creditor Fulton Bank of New Jersey jkulback@archerlaw.com chansen@archerlaw.com
Kevin Gordon McDonald	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Kurt Ryan Kowalski	on behalf of Creditor On Deck Capital Inc. krk@splawoffice.com
Marc D. Miceli	

District/off: 0312-2

User: admin

Page 3 of 3

Date Rcvd: Jan 04, 2022

Form ID: pdf903

Total Noticed: 2

on behalf of Debtor William J Focazio mmiceli@sm-lawpc.com lindsay@sm-lawpc.com

Matthew Patrick Dolan

on behalf of Creditor Provident Bank f/k/a The Provident Bank mdolan@meyner.com

Matthew Patrick Dolan

on behalf of Creditor SB One Bank f/k/a Community Bank of Bergen County N.J. mdolan@meyner.com

Mitchell Hausman

on behalf of U.S. Trustee U.S. Trustee Mitchell.B.Hausman@usdoj.gov

Patrick O. Lacsina

on behalf of Creditor Wilmington Savings Fund Society FSB, as Trustee of Stanwich Mortgage Loan Trust A
PATRICK.LACSINA@GMAIL.COM, PATRICK.LACSINA@GMAIL.COM

Philip Seth Rosen

on behalf of Creditor BANK OF AMERICA N.A. prosen@zeklaw.com, 3723198420@filings.docketbird.com

Sari Blair Placona

on behalf of Unknown Role Type William J. Focazio MD PA and Endo Surgical Center of North Jersey PC
splacona@msbnj.com

Stephen V. Falanga

on behalf of Trustee Edward A. Phillips sfalanga@thewalshfirm.com chemrick@thewalshfirm.com;ntravostino@walsh.law

Steven J. Mitnick

on behalf of Debtor William J Focazio smitnick@sm-lawpc.com lindsay@sm-lawpc.com

Sydney J. Darling

on behalf of U.S. Trustee U.S. Trustee sjdarling@pbnlaw.com pnbalala@pbnlaw.com;jmoconnor@pbnlaw.com

Sydney J. Darling

on behalf of Trustee Edward A. Phillips sjdarling@pbnlaw.com pnbalala@pbnlaw.com;jmoconnor@pbnlaw.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 41